

CITY OF WEST LAFAYETTE
COMMON COUNCIL
MINUTES
DECEMBER 7, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on December 7, 2015, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Dietrich, Hunt, Keen, and Thomas.

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, IT Director Alexander, Public Works Director Buck, Facilities Director Clark, Parks Superintendent Fawley, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, Director of Development Poole, and Police Captain Sparger.

MINUTES

Councilor Keen moved for acceptance of the minutes of the November 5, 2015, Pre-Council Meeting, and the November 9, 2015, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

COMMITTEE STANDING REPORTS

Mayor Dennis stated that as this we have a very involved agenda tonight, he would ask that we reference the standing reports as being on file.

SPECIAL REPORTS:

a. Redevelopment Commission 2016 Spending Plan

City Attorney Burns confirmed for Mayor Dennis that this item is to be acknowledged by the Council with no vote taken.

Councilor Bunder expressed disappointment on this spending plan on behalf of his District 2. He stated that he owes James Haas an apology, explaining that he scoffed at Mr. Haas' ads during the campaign. Mr. Bunder stated that he thought there would not be any reduction in the amount of spending given to the larger communities as a result of State Street, but he now has an example of where that happened. He explained that the situation is that in June, following up on the 2012 New Chauncey Land Use Plan, and following up on Council Resolution No. 14-15, he asked that two items be considered by the RDC. One was pedestrian-level lighting for New Chauncey, as well-documented by the APC plan. The other was a traffic safety plan for Meridian Street. He stated that the traffic safety plan was presented to the RDC for the amount of \$400,000. By July or August the amount was reduced to \$250,000, so that the Williams Street project could receive more funding. By the end of year it was cut completely, and he was told that it was to guarantee State Street funds. Councilor Bunder stated that he hopes this is not a trend. He stated that it was said during the election cycle that there would be fewer tax dollars available for other projects in the City. He stated that he hopes this is a one-off, and that this budget in 2016 is not going to be the case for the next 20 years or so. He stated that he is disappointed that the RDC did not fund the Meridian Street safety plan, and he wants to call attention to the fact that at the last RDC meeting it was stated that an additional \$3 million might be available in 2017 for projects, and his colleagues in Districts 1 and 3 may want to move forward with anything they want to have considered.

Councilor Dietrich questioned the listing of \$62,000 for Amtrak, and asked what our contribution to Amtrak still is.

Mayor Dennis stated that it is the ongoing contribution that we have had. This is going to continue until such a time that it is self-sufficient. We have entered into that agreement with Tippecanoe County and the City of Lafayette.

Councilor Dietrich asked if this is outside of the one-year agreement.

Mayor Dennis stated that each year we will revisit it, but it is now a line item in our budget until such time that it is determined that it is not needed.

Councilor Dietrich stated that the Council voted on a 12-month \$200,000 contribution, and he asked if that was in addition to this ongoing \$62,000.

Clerk-Treasurer Rhodes stated that this is a different contract. She stated that Councilor Dietrich is referring to a contract that is funded through EDIT, and that is why it went through the Council. She explained that a new contract was accepted by the RDC which spans three years. She stated that the work paper shows the line item continuing until the obligation is complete.

Councilor Thomas asked for an explanation for the City Hall contingency.

Mayor Dennis stated that it is for the demolition of City Hall.

Councilor DeBoer stated that the 2015 amnesty program ensured \$90 million of funding that is going to go toward the Hoosier State passenger train between Indianapolis and Chicago, so there has been some movement in the State government toward that.

Mayor Dennis stated that we are pleased with that.

b. Recognition for Clerk-Treasurer Rhodes

Mayor Dennis stated that he would like to recognize somebody who has been incredible insofar as what this City has achieved over the past couple of decades, Dr. Judy Rhodes. He stated that Dr. Rhodes has basically been our CFO since 1994, and the City of West Lafayette, though in one of its most transitional periods now, would not have been to this level and have these opportunities without the guiding hand of Dr. Rhodes. He stated that she has not only been the watchdog over our finances, but she has also been a great teacher and a great guiding light for him. He stated that when he first got elected he was one of those guys who thought he knew pretty much everything about government finance, having worked with the budget on the other side of the river. He said, "But little did I know how little I knew." Mayor Dennis stated that Dr. Rhodes did an incredible job of sometimes gently providing guidance, and other time not so gently providing guidance. He stated that the things we are doing right now, and things that we have done, we would not have been able to do without Judy. He stated that with great brilliance sometimes comes great temperament, and Dr. Rhodes is no exception. He stated that Judy has oftentimes come into his office, and he would always love it when she would start a comment by saying, "You're not planning to ride your motorcycle this weekend, are you?" That usually meant that there was something to discuss that might not have "and they all lived happily ever after" at the end. He stated that, again, it was because of her dedication to this City, her love for this City, and her absolute and undying dedication to the fact that local government serves its population that we have been able to do some of the things that we have been able to get done. He stated that he knows that, personally, he would have been lost without her. He stated that it is not because they were always pulling on the same side of the rope, but because you need somebody on your team that is going to have the vision and the critical

understanding of telling you when you are going in the wrong direction, and provide that necessary guidance. He stated that Judy was always there to do that for him. Mayor Dennis asked, in all honesty, how you summarize some of the work that somebody has dedicated their life to. He stated that he knows that this is not going to measure up. He stated that it is his honor to present this plaque to Dr. Rhodes. He read the plaque, quoting, "In appreciation of your many years of dedicated service to the City of West Lafayette, Judith C. Rhodes, Clerk-Treasurer, 1994-2015. John Dennis, Mayor. City of West Lafayette." He said to Clerk-Treasurer Rhodes that he knows that she does not like these things, but he honestly would have been lost without her.

Mayor Dennis introduced Peter Gray, who will be the City Controller. He introduced Sana Booker, the new City Clerk. He stated that where Judy will be leaving off in providing corrective guidance, Sana will be picking up.

PUBLIC RELATIONS:

a. Beautification Award

Mayor Dennis presented the Beautification Award to Lynn Layden with the West Lafayette Tree Friends. He spoke about Ms. Layden's long history with the Tree Friends. He expressed appreciation of Ms. Layden as she ends her reign as Chair of the Tree Friends.

Ms. Layden stated that she is very privileged to have stepped into Helen Lillich's shoes. She noted that she joined Ms. Lillich with tree planning in 1983, so it has been quite a few years and quite a few trees. She stated that we will keep planting trees, and Bill Evers will be the new Chairman in January.

b. Council Election and Appointments:

i. Council President Nomination and Election

City Attorney Burns stated that since are moving from a Class 3 to a Class 2 City, he advised that it would make the best sense in this transition time to go ahead and have an election tonight. That way we will have an eligible President of this Council when January 1 hits. At the first meeting in January, the first agenda item would be to elect a permanent President, but because of this transition, which does not happen often, this would be a suitable and appropriate procedure to follow.

Councilor Thomas motioned to nominate Councilor Bunder as Council President. Councilor Dietrich seconded the motion.

Councilor Bunder stated that this will be one of several awkward moments over the next several months, at least through the next budget cycle, as we try to figure out this transition. He appreciates everybody's indulgence as this goes forward. He stated that he is not looking forward to trying to sit in Mayor Dennis' seat and try and run this circus.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			

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	AYE	NAY	ABSENT	ABSTAIN
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis stated that Councilor Bunder has been unanimously elected.

ii. Election of Council Appointments to the Redevelopment Commission

Councilor Bunder stated that he would like to bring forward two names for the 2016 RDC appointments. The first, Larry Oates, is known to the Council. The second is a new nominee, Christine Campbell.

Councilor Thomas motioned to approve the two submissions for appointment to the Redevelopment Commission. Councilor Hunt seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch				✓
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 ABSTENTION.

Mayor Dennis stated that the Council appointments of Larry Oates and Chris Campbell have been validated.

iii. Election of Council Representatives to the Area Plan Commission

Councilor Bunder stated that this is one of the transition pieces. We now have a representative of the APC elected by the Council, and he is bringing forward the name of Larry Leverenz who currently serves on the Board of Zoning Appeals (BZA) to represent the City Council on the APC.

Councilor Keen motioned to elect Larry Leverenz as the representative to the APC. Councilor Burch seconded the motion.

Councilor Burch asked if this is in addition to Councilor Keen on the APC, and Mayor Dennis responded yes. Councilor Burch asked if Mr. Leverenz will be going off of the BZA, and Mayor Dennis responded yes.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, December 7, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis stated that Mr. Leverenz has been elected unanimously to the APC.

Mayor Dennis confirmed for Councilor Dietrich that Councilor Keen is his appointment to the APC. Councilors DeBoer, Keen, and Dietrich, and City Attorney Burns discussed that there is one appointment from the Mayor and one person elected by the Council as APC representatives. Councilor Keen noted that there are also two citizens appointed by the Mayor.

iv. Election of Council Appointments to the Police Merit Commission

Councilor Bunder stated that he is bringing forward the name of Kathy Parker to serve on Police Merit Commission (PMC).

Councilor Hunt motioned to elect Kathy Parker to the PMC. Councilor Thomas seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch				✓
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 ABSTENTION.

Mayor Dennis stated that Kathy Parker has been elected to the PMC.

v. Election of Council Appointments to the Area IV Redevelopment Board

Mayor Dennis stated that we have Councilor Ann Hunt as a nominee.

Councilor Bunder stated that Councilor Hunt is currently serving on the Area IV Redevelopment Board and we would like to continue appointing her to that position.

Councilor Burch motioned to elect Ann Hunt to the Area IV Redevelopment Board. Councilor DeBoer seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis congratulated Councilor Hunt.

- vi. Approval of Appointments and Terms to the Historic Preservation Commission
Councilor Bunder stated that both the Historic Preservation Commission (HPC) and the Go Greener Commission have exotic nominating rules. In this situation, the Mayor appoints and the Council confirms the members. Also, according to the Ordinance the HPC is to bring rules when they have them, so the Council has been provided with a list of appointment terms. He stated that the Council needs to approve Mayor Dennis' appointment of Erin Britton to the HPC.

Councilor Thomas motioned to approve the appointment of Erin Britton to the HPC. Councilor DeBoer seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch				✓
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 ABSTENTION.

Mayor Dennis stated that Erin Britton is on the HPC.

- vii. District #2 Appointment to the Traffic Commission
Councilor Bunder stated that this is another moment when things change. He stated that because the Council districts were altered as we moved to a Class 2 City, and because the appointments to the Traffic Commission are by districts, District 2 is currently without an appointment to the Traffic Commission. He stated that all of the Councilors historically have searched their districts for people to serve on the Traffic Commission, so he calls

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his colleagues attentions to that. As a way of beginning the process, and getting a start at filling the Traffic Commission, Councilor Bunder stated that he nominates Lauren Bruce.

Councilor Thomas motioned to appoint Lauren Bruce to the Traffic Commission. Councilor DeBoer seconded the motion.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch				✓
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 ABSTENTION.

Mayor Dennis stated that Lauren Bruce is the District 2 representative to the Traffic Commission.

c. 2016 Council Schedule

Councilor Keen motioned to approve the 2016 Council Schedule. Councilor Burch seconded the motion, and the motion passed by voice vote.

LEGAL REPORT

City Attorney Burns stated that this report is on file.

UNFINISHED BUSINESS:

Ordinance No. 38-15 An Ordinance Concerning The Construction Of Additions And Improvements To The Sewage Works Of The City Of West Lafayette, Indiana, The Issuance Of Revenue Bonds To Provide The Cost Thereof, The Collection, Segregation And Distribution Of The Revenues Of Said Sewage Works, The Safeguarding Of The Interests Of The Owners Of Said Revenue Bonds, Other Matters Connected Therewith, Including The Issuance Of Notes In Anticipation Of Bonds, And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 38-15 by title only.

Councilor Keen moved for passage of Ordinance No. 37-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dennis Otten (Bose McKinney & Evans LLP) stated that his firm drafted the bond ordinance with the assistance of City Attorney Burns.

Councilor Burch asked for confirmation that this is to fund the CSO project on River Road, and Mr. Otten stated that is correct. Councilor Burch asked what the interest rate on the bonds is.

Mr. Otten responded that they do not know that yet, but the ordinance authorizes a not-to-exceed amount of 6.5%. The actual interest rate will be determined at the time that the bonds are sold on the market.

Councilor Burch asked how much it will cost the City to issue these bonds.

Jim Treat (O.W. Krohn & Associates) stated that he will have to get back to Councilor Burch on that, but he can tell what the items are. There will be legal and financial issuance costs, an underwriter's or bond placement fee, and a rating fee. He stated that you need to remember that this is the largest sanitation project that the City has ever taken on upwards of \$24 million. He stated that we are hoping to keep it at \$23 million. He stated that we have to go to the maximum we can to price the bonds as competitively as possible. He noted that the bond is going out 25 years, so it is not going to be the rate we are used to seeing subsidized through SRF. It will be an open-market rate. We will have a credit rating from Standard and Poor's, so there is a fee related to that. He stated that all of the things we are doing to enhance the offering should pay off in the net interest rate and cost to the City.

Councilor Burch asked why we are not going for an SRF loan on this.

Mr. Treat responded that this project is not eligible. SRF also does not have a lot of money available. This bond is a lot more than we usually ask for. He confirmed for Councilor Burch that this is to fund the project. He stated that SRF also does not go out for 25 years, which is needed to lower the costs.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 38-15 passed on second and final reading.

Ordinance No. 39-15 (Second Amended) An Ordinance Of The City Of West Lafayette, Indiana Amending The West Lafayette City Code Relating To The Rates And Charges Of The Sewage Works Of The City (Sponsored by Mayor Dennis) PUBLIC HEARING

Mayor Dennis read Ordinance No. 39-15 (Second Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 39-15 (Second Amended) on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Hunt asked what the term "sinking fund" means.

Mr. Otten responded that the language in the third whereas clause, if you were to go to the statute 36-9-23, where it talks about the statutory revenue requirements for a utility, those are the things that the rates and charges of municipal utility need to be sufficient to cover. He stated that this is the laundry list of those items. He stated that a sinking fund is the fund in which net revenues of the sewage works will go into to fund the bond and interest payments, and the reserve fund for those bonds. He stated that in the bond ordinance, in the flow of funds section, there is a sewage works sinking fund, and that is the sinking fund that is being referred to in this ordinance.

Councilor Burch asked for clarification on if this is a flat rate fee, or per month.

Mr. Treat responded that it is a combination. Most of the rate that is being put into place to cover the project is a flat fee per residence of \$9.82. Also, since we have not had a rate increase for general operating cost increases for the last ten years, we are doing smaller inflationary increases of 3% to the general flow rates. It will be 3% on January 1, 2016; January 1, 2017; and January 1, 2018. So, it is a combination, but most of it is a fixed-rate charge.

Councilor Dietrich stated that the chart lists the meter sizes, and he understands the dwelling unit being an EDU, but he is confused on the math after that. He asked that if it is a 5/8 or a 3/4 inch for the standard EDU, then the 1 inch the rate is not proportional.

Mr. Treat responded that it is an engineering measurement, not an accounting measurement. He stated that it has to do with the volume that passes through the opening in the water meter. He stated that those are standard engineering measurements, with the maximum volume that can get through the pipe of that size at one time.

Councilor Dietrich asked if it is correct that a 1 inch meter will put in 2.5 times what a 3/4 inch would put in, and Mr. Treat responded yes.

Councilor DeBoer stated that he did not realize there were inflationary increases scheduled. He stated that it seems optimistic to have 3% per year, given the past ten years. He asked if those do not come into effect if it would be paid off faster.

Mr. Treat responded that once we had set the level of the CSO surcharge, we wanted to ensure that we have ample net revenues to cover all of the other increases. He stated that we came up with a deficit of just under 9%, so it was decided to do that in three steps over three years. He stated that it is not a predictive thing at all; it is a historical measurement.

Councilor Bunder asked WWTU Director Henderson if are any closer to a 96 inch pipe instead of the smaller pipe.

Director Henderson stated that in our discussions with the engineering firm and the contractor involved, it seems optimistic that they should be able to deliver a guaranteed maximum price, through this guaranteed savings contract, which should allow us to install the 96 inch pipe. He stated that there are still elements being discussed, but some of the changes, such as the deletion of the roundabout at State Street and River Road, have helped because now we can open-cut that instead of doing a bore under State Street. There are some cost savings being addressed right now.

Councilor Bunder stated that he does not know if it is appropriate to lobby for a 96 inch pipe, but that is what he is doing. He stated that he thinks that the numbers that we operate under were created decades ago by the EPA and the federal government, and since then global warming has more of an impact on our climate. He stated that the gentle rains of past decades are gone, and big heavy

rains are here. He stated that he thinks the 96 inch pipe would be a better protector for the several decades ahead that we expect to have it in service.

Councilor Dietrich stated that he would echo that. He stated that he discussed this with Director Henderson several weeks ago, and he asked Director Henderson to talk about the advantages of the 96 inch pipe, versus what happens down at the plant.

Director Henderson stated that the larger diameter pipe will allow us to capture more of the smaller storms in total and meter it into the plant or the wet weather treatment facility. It will depend on the total flow of the event. He stated that during the larger rains it will fill up quicker and will start conveying it to the wastewater plant quicker. He stated that it will allow us to make some decisions that we cannot make right now as the flow comes into the plant. We will have another place where we can control what is going through the main plant and what is going through the wet weather facility. He stated that the more we get through the main plant to give full treatment to, the better. The 96 inch pipe will allow us a lot more flexibility.

Councilor Burch moved to open a public hearing on Ordinance No. 39-15 (Second Amended). The motion was seconded by Councilor Dietrich, and the motion was passed by voice vote.

Mayor Dennis said, "We are now in public hearing. So, what that means is that we will now allow for public comment. All I ask is that you keep your comments germane to the subject matter, and we would like to keep it to around two minutes, but I don't have a watch or stopwatch, so just kind of keep that in mind. That is the podium, and we have a gentleman up there right now. Your name and address, please sir."

Bill Arthur said (306 N Sharon Chapel Road, Tippecanoe County) said, "I am a board member of the West Lafayette Go Greener Commission. The mission of Go Greener is to promote the environmental health in our community for current and future generations. This ordinance's project, as we understand it, does just that. We believe it is the right thing to do. Furthermore, what we do here affects not only our community, but communities literally downstream—river communities. In that sense, this is the responsible thing to do, as well. We urge that the Council pass this ordinance. Thank you."

Mayor Dennis said, "Thank you, sir. Other public comment?"

Adi Ben-Yehoshua (1520 Summit Drive) said, "I'm a Purdue student and a senior. Today, I am representing, kind of, Purdue Student Government. I am a Senator for the College of Liberal Arts, as well as representing some of my constituents in the College of Liberal Arts. Whenever you guys consider rate increases, I'd like you to think about the students living off-campus. For many college students, even a small rate increase like this affects them considerably, myself included. So, please keep that in mind. There are thousands of students who live off-campus, in apartments and houses, and this rate will directly affect them."

Mayor Dennis said, "Thank you very much. Zach?"

Zachary Baiel (124 Connolly Street) said, "I am in favor of obviously updating the CSO, as Dave [Henderson] knows. Another passionate person about combined sewer overflows and minimizing their impact. In looking at this, a few things: One, in the definitions, as far as the rate, there's multi-family residential apartments. Is this any apartment? Is this a house chopped into apartments? Is this an apartment complex? Is every apartment considered under that definition?"

Mayor Dennis said, "Which one of you guys want that one? Dave? Jim?"

Mr. Treat said, "I didn't know you were responding to all the questions as you go. You might want to hold them, John, to get through them. But, I think it is a minimum of four units. Isn't that what's in the multi-family class, Judy? If I got that right, what is defined as multi-family currently?"

City Attorney Burns responded, "More than four."

Mr. Baiel said, "With that, in there is lists those equivalent dwelling units as 0.66, and this was eluded to so that is another question, so where was that derived from? That is an interesting computation since other equivalent dwelling units are rated at one and they have to be charged as such. And that goes into particular nuance regarding the new CSO surcharge. With that, just a general question as a member of the public, I know there's other people that are interested in minimizing their impact on CSOs by implementing pervious surfaces their home or business, rain barrels, anything else that can minimize the amount of water that is actually going into the sewer system. And if there would be some sort of credit or benefit or incentive for those people to continue down this path, to kind of off-set these new rate increases. In particular, like the Purdue student had said, maybe they can work their apartment complex to get that kind of credit to off-set, to make sure the rent that they pay does not go up. The only question on that, if you want to comment on that is that 0.66."

Mr. Treat said, "I can get that real quickly, John, since I know Zach likes facts and figures. Those statistics for a multi-family or apartment units by size, are from Indiana Code Title 327, Article 3. Indiana Administrative Code 327, Article 3, sets standards for basically adequate service, peak flows, assumed flows for residential and all types of units. They have flows set for different apartment sizes, and basically we chose the smallest. Apartments range, from their statistics, from 200 to 350 gallons a day in flows, and an average household is 310. We used the small end of that, 200 gallons per day, as the assumed general flow. So, that is basically two-thirds of a household. That is how we came up with that."

Councilor Dietrich asked, "Mr. Mayor, may I make a comment on Zach's comment?"

Mayor Dennis said, "Yes."

Councilor Dietrich said, "The concept of rain barrels and pervious sidewalks and driveways came up when we were talking about stormwater as well. All of which I think are great. Is there some mechanism for the City to review that impact and maybe readdress that, because it is two ordinances now that it could have a substantial impact on for different parts of the community?"

Mayor Dennis said, "We can go ahead and look at that. Again, the stormwater utility specifically addresses those causes. The pervious pavement, the rain barrels. That is specifically in the stormwater ordinance. The Wastewater Utility ordinance isn't, by nature, designed for that, but we can go ahead and look at it down the road. But it is kind of two different engineering concepts."

Councilor Dietrich stated, "I'm not an engineer; we knew from the pipe size."

Mayor Dennis said, "I know, but again, you're going to over-learn tonight, so be careful. Other citizen comment?"

Jan Myers (1909 Indian Trail Drive) said, "At a personal level, as a resident here in West Lafayette, and what I will pay through my sewer pipe, I have no objection to it. What I am concerned about, and I did see at least one of our future Council members attending the public meetings about ASU, the City's impact by that company is much more severe than I hear anyone talking about here. I know later tonight you are going to bring up eminent domain for some minor things here. You might be aware, and I am not a customer of ASU, have never been, but there are already people requesting

that West Lafayette use eminent domain to take over ASU. I don't know how much is being discussed. Is has not been discussed here publically. But, there are a number of issues, because that does overlap with our City corporation limits and the State comes up with different districts. IDEM and I in the past have had a lot of discussions. And I think we should be aware that this rate increase may be only part of the discussion of what we're going to have to talk about as capacity. If you're unaware of it, December 15 there is a public meeting and I urge any of you that are going to be sitting on the Council to be there."

Mayor Dennis said, "Thanks, Jan. Other citizens comment? Hearing none, I will entertain a motion to close the public hearing."

In addition to the spoken comments during the public hearing, a written comment was submitted from Karen Griggs, and is attached hereto.

For record of hearing
December 7, 2015

Subject: Proposed Stormwater Overflow Control Fee

Statement of: Karen Griggs
100 Thornbush Dr.
West Lafayette, IN 47906

To: City Council
West Lafayette, Indiana

Ladies and Gentlemen:

The water pollution that overflows from our city's wastewater treatment plan should be corrected immediately. In order to finance the design and construction and implementation of the pollution control measures, you propose a new stormwater fee. I support the control of the stormwater and its financing and furthermore urge the city to implement many pollution prevention technologies and best management practices in addition to the construction of pipes and diluted wastewater.

The city should work closely with the staff of the Soil and Water Conservation District to adopt pollution prevention and runoff control measures. This will directly benefit the Wabash River and the ratepayers.

I have two major questions. (1) What methods of collection and treatment are proposed??? Land treatment??? Is the proposed fee not the same as the capital improvement fund fee that was recently adopted????

There should be a fact sheet published in the local newspaper so that citizens can understand the difference between the fund and the stormwater control fee.

I have one suggestion about citizen participation: that you make available a comment page on the city's website.

Please enter this letter into the record of hearing. Thank you.

There were no further comments.

Councilor Keen moved to close the public hearing on Ordinance No. 39-15. The motion was seconded by Councilor Burch.

Councilor Hunt said, "I'd like to just make a short comment. Part of this ordinance is 30.09.18, reduced charges for certain residents. For the student that lives on Summit, we do have a protocol there, based on federal government guidelines for poverty where you can get a 50% reduction on this. We have had that on other ordinances, one for quite a long time, and it is something that I think everybody agrees should be done."

The motion passed by voice vote.

Mayor Dennis read Ordinance No. 39-15 (Second Amended) by title only. He stated that we had our public hearing and this is the second and final reading.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 39-15 (Second Amended) passed on second and final reading.

Ordinance No. 43-15 An Ordinance Amending Chapter 31, Section 31.016 Of The Tippecanoe County Code; Chapter 2.04, Section 2.04.010 Of The Lafayette City Code; Chapter 24, Section 24.22 Of The West Lafayette City Code; Chapter 32, Section 32.035 Of The Town Of Dayton Code; And Ordinance No. 329 Of The Town Of Battleground; And Ordinance No. 95-4 Of The Town Of Clarks Hill. Providing For Representation On The Area Plan Commission Of Tippecanoe County (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 43-15 by title only.

Councilor Keen moved for passage of Ordinance No. 43-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			

	AYE	NAY	ABSENT	ABSTAIN
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 43-15 passed on second and final reading.

NEW BUSINESS:

Ordinance No. 46-15 To Amend Certain Portions Of The Unified Zoning Ordinance Of Tippecanoe County, Indiana, Designating The Time When The Same Shall Take Effect (Blackbird Farms Apartments Phase II, LLC) (R1 to R3W) (Submitted by Area Plan Commission)

Mayor Dennis read Ordinance No. 46-15 by title only.

Councilor Keen moved for passage of Ordinance No. 46-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Tom McCully (Stuart & Branigin), representing the petitioner, stated that this piece of property is at the southwest corner of McCormick and Lindberg Roads, newly in West Lafayette. Our proposal is to rezone this property from R1 to R3W in order to permit an expansion of Blackbird Farms Apartment, which is directly across the street. He stated that the property will be a net of a little less than 5 acres by the time it is done. He stated that Blackbird Farms is an old apartment project by modern terms; it was built in 1990. It has been successful, and that is the reason to look to try and expand it. He explained that it is not a basic student apartment project. He knows that the APC just updated their student apartment study a couple of months ago, and it indicated that of the apartments outside of the C Permit area in West Lafayette, we are about 72% undergraduate students. Blackbird has about 11% of undergraduate students. The bulk of the residents are 36% Purdue Staff, 28% graduate students, and 25% are not affiliated with the University at all. It is a mixed-use development. He stated that there was a favorable APC staff recommendation for the project, and they felt that this fit in with their master plan. The APC voted 10 to 0 to approve the project. He stated that at Pre-Council a question was raised potential traffic difficulties in the area, and if there had been any traffic studies done. He stated that he went to the APC staff today and went through the most recent traffic counts they could find available. He stated that the problem is the studies are over a period of years, and there is a transition of counts before and after US 231 was open. The conclusion drawn from all of this is that it appears there may have been a lessening of traffic on McCormick Road since US 231 opened in September 2013 because the traffic is going further south on US 231 and taking State Street into West Lafayette. He stated that his final question to the APC was, regardless of what the numbers are and from what years they came, if they feel that this project of this size and location would have any materially negative impact on traffic in the area. He stated that their answer to him was "no."

Councilor Hunt stated that she also spoke to the APC and several City officials about the traffic, and she was assured that they approve the traffic access, and that and the data reassures her.

Mr. McCully stated that this this is the first stage. One the rezoning is completed there is the multi-family subdivision stage. That is where the layouts are considered, for the access points and anything else that deals with traffic.

Councilor DeBoer stated that the last time we encountered a plan like this one of his biggest concerns was the fact that they were planning on renting by the room instead of by the unit. He asked for confirmation that there are no plans for that.

Mr. McCully responded no, there never have been plans for that and never will.

Councilor Burch asked if there was discussion about widening McCormick Road in the future.

Mr. McCully responded that it did not come up in the course of the consideration. He did discuss it today with the staff members, especially John Thomas, one of the transportation planners. He stated that Mr. Thomas's opinion was that at some point down the road there will probably need to be some kind of improvements to McCormick Road, but until there is further development it is difficult to tell what that improvement should be.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 46-15 passed on first and only reading.

Resolution No. 25-15 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana Approving Certain Matters In Connection With The Amendment Of Plans For A Certain Economic Development Areas Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 25-15 by title only.

Councilor Keen moved for passage of Resolution No. 25-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Richard Starkey (Barnes & Thornburg LLP), stated that the resolutions before the Council tonight are to amend the project description for both the Levee/Village and the US 231/Purdue areas for both the Williams Street project and the State Street Redevelopment Project. He stated that the statute requires that the RDC put into their plans, if they are going to spend money on certain projects, a description of that project in the plan. So, we are amending those plans that are existing presently to do that. One of the steps is to come before the Council. This has already been approved by the APC. It will then go back to the RDC after a notice for a public hearing, and a public hearing thereon, to confirm it.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

COMMON COUNCIL MEETING MINUTES, December 7, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Resolution No. 25-15 passed on first and only reading.

Ordinance No. 47-15 (Second Amended) An Ordinance Of The City Of West Lafayette, Indiana, Authorizing The Issuance Of The City Of West Lafayette, Indiana, Taxable Economic Development Revenue Bonds, Series 2016 (State Street Redevelopment Project), And Crediting The Proceeds Thereof To West Lafayette Community Development Corporation, And Authorizing And Approving Other Actions In Respect Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 47-15 (Second Amended) by title only.

Councilor Keen moved for passage of Ordinance No. 47-15 (Second Amended) on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Starkey stated that this is the bond ordinance for the State Street Redevelopment Project. He stated that this is a fairly complex transaction in which we are utilizing what is called the BOT, or the Build Operate, Transfer, statute in the Indiana Code. Basically, after several years of discussion is that we are now at the point where we have qualified bidders to give the City, Purdue University, and the Joint Board proposals to build this project. He stated that the project bids are expected to come in on December 21. At that point we will look at those bids and grade them. KPMG, as the financial advisor to the Joint Board, will give them a scoring procedure and determine who has the best and final bid offer. The project is going to take about three years to do. He stated that the bonds being approved here are a unique kind of bond. We are not actually going out in the market place and raising money, per se, with the bond. Rather, what we are doing is asking the bidders to go find their own financing from banks or underwriters. They actually raise the financing, come to the table with the financing, and they build the project. They actually operate the project for 22 years, and then they hand it back to the City and the Joint Board at the end of that process. Mr. Starkey stated that the bond is actually held by the Joint Board; we give the Joint Board the bond, and the consideration for that bond is that they are going to build that project through this developer process, the BOT statute. He stated that as they hold the bond, what happens here is that we have what we call TIF 1, which is the Levee/Village TIF, and we have TIF 2, which is the Purdue US 231 TIF. Those TIFs support, by making lease payments through this development corporation, the actual payments to the developer to pay off their financing that they have obtained. He stated that it is done through a credit with the bond that is being considered on first reading today. Mr. Starkey stated that those TIF 1 and TIF 2 revenues are the backup for what is being used to pay for these bonds. He stated that the TIF 1 revenues, which is a TIF that is fairly flush, is backed up with a special taxing district tax backup. He stated that will, in the unlikely event that TIF 1 is short, kick in to make those payments. He stated that with this financing and all of the other obligations that TIF 1 now has, we still have in the early years 150% coverage, and in the later years 200% coverage. Meaning, that we have \$1.50 or \$2.00 for each \$1.00 of obligation that is needed. So, we have a great amount of coverage, and a lot of security that we are going to be able to make those payments from TIF 1. He

stated that TIF 2 is backed up by Purdue Research Foundation (PRF), with a line of credit with the RDC. That line of credit, in the amount of \$62.5 million, is there in the event that TIF 2 is short. He stated that we do expect that in the early years that TIF 2 will be short, because TIF 2 is that Purdue TIF that has not really developed any TIF at this point. He stated that this gives Purdue a great incentive to actually build projects out there that are taxable. He stated that they need to get the TIF in there because the TIF in TIF 2 that is generated will be used in future years to pay back the PRF for any line of credits that they have let the RDC borrow in order to make the lease payments up the stream. Mr. Starkey stated that it is kind of a win-win in the sense that we are using properties in the Purdue area that might have otherwise been used for Purdue purposes, which are not taxable. Instead we are encouraging them to build projects that will actually go on the tax rolls in the future. They have great incentive to do so, because at the end of the day, if TIF 2 does not generate enough money, the line of credit that we borrow from PRF does not get paid back. They have great incentive to get those buildings built so that they can TIF 2 and pay back the PRF. Mr. Starkey stated that he knows that is a huge amount to cover, and he is happy to answer any questions.

Councilor Dietrich asked for more explanation of the backup tax plan.

Mr. Starkey stated that in the event that the TIF 1 portion, which is the City obligation, which is half of the debt service, would be short any kind of TIF revenues, there would be the ability for the RDC to go ahead and levy a tax, which would be a property tax. He stated that this is done pretty commonly throughout the State in order to really give assurance that the payments will be made. He stated that we never expect to ever levy a tax. He stated that he talked about the coverage, the 150% and the 200%, and that is a huge amount of coverage. The marketplace itself, if you would go out and sell a TIF bond without any kind of backup, would buy those bonds at 125% coverage, or 1.25 times. That is considered the market for buying bonds. Having 150% or 200% coverage is almost unheard of, so the chances of ever having to utilize that tax backup is very remote.

Councilor Dietrich stated that Section 10 concerns him because he does not like unknowns, but it says "repeal all ordinances or parts of ordinances in conflict with are hereby repealed." He asked what may conflict with this and what are we talking about repealing.

Mr. Starkey responded nothing in particular. He stated that we put that in as boilerplate in case there was something. He stated that Economic Development Commission (EDC) met earlier today and held a public hearing, at which a lot of this was discussed as well. They passed a resolution recommending that the City Common Council approve this ordinance. He stated that there is not something that is going to be repealed, it is standard language to put in to be safe because we are lawyers.

Councilor Dietrich asked why it is in there if we are not repealing anything.

Mr. Starkey stated it is because you never know.

Councilor Dietrich stated that is his apprehension.

Mr. Starkey stated that you do not know what you do not know.

Councilor DeBoer stated that we could always reenact anything if he is lying to us and we are repealing something we would not want to.

Councilor Burch asked what the interest rate is for this bond.

Mr. Starkey responded that right now we are expecting the interest rate to be approximately 4.75%, and this is a taxable bond.

Councilor Burch stated that the second whereas mentions the West Lafayette Community Development Corporation (CDC), and it is her understanding from the EDC meeting that there is no such corporation.

Mr. Starkey stated that there will be before the Council adopts this.

Councilor Burch asked for confirmation that before we have the second reading we will know who the members are of the CDC. She asked if we will know their names, their responsibilities, how long they will serve, etc., and Mr. Starkey responded yes. Councilor Burch stated that she is confused on the last sentence of the second whereas, which states, "The borrower anticipates leasing to the Redevelopment Commission." She asked who the borrower is.

Mr. Starkey responded that the West Lafayette Community Development Corporation, the CDC.

Councilor Thomas stated that he believes he heard correctly that Purdue will have incentive to create developments that are taxable. He stated that that is good stuff.

Councilor Bunder asked when we will know more about the CDC. He asked if they will live in West Lafayette.

Mr. Starkey responded that they will be appointed by the Mayor. There will be three members, and they will be registered with the Secretary of the State's Office on December 15. He stated that this entity will have no other function other than lease this project to the RDC. He stated that the people that are bidding on this project have made it clear to us that this has to be the case. He stated that it is only done because we have to have a lease between the RDC and this entity in order to not have all of this considered debt under the Constitution of the State of Indiana for the redevelopment district. He stated that the redevelopment district has its own 2% debt limit, and this lease makes it not-debt under the cases by the Indiana Supreme Court. So, we had to put this in here in order to not get this debt question popping up.

Councilor Hunt asked if there is a list of requirements for the three members appointed by the Mayor. She asked if they have to live in the City of West Lafayette.

Mr. Starkey responded that technically they do not, but he assumes the Mayor would have them.

Mayor Dennis stated that yes they do.

Councilor Hunt asked if any of them will be elected.

Mayor Dennis responded that we will have a conversation later.

Councilor Dietrich stated that he has a question for Mr. Treat, who he trusts and knows to be a very conservative person. He stated that he would like Mr. Treat to walk through the shell game with the money on the Levee TIF one more time. He stated that we have a potential of up to a \$2.00 property tax increase, and he would like to see the numbers one more time.

Mr. Treat stated that there was a cash flow and bond coverage set of schedules available on the agenda. He stated that he put this together, and this is the latest version with the numbers that address this question.

Councilor Dietrich asked if this is the document that shows \$1.7 million at the end of 2016.

Clerk-Treasurer Rhodes stated that it is attached to Ordinance No. 48-15, and it is labeled Levee/Village TIF Increment and Debt.

Mr. Treat stated that he will touch on the numbers. He stated that this provides the current and projected cash flows for the Levee/Village TIF. We are a little under \$5 million now. We have projects that have come out of the ground that have not been assessed yet. So, we are expecting very conservatively that it is going to be up to \$5 million, and it will continue to grow. He stated that this schedule gives our best estimate. It includes the current obligations of Levee/Village, which is the last seven years of the refunded parking garage bonds. It includes the bonds issued earlier this year, the small \$300,000 ones, to extend the life of the TIF area. Then it includes the current commitment for the State Street projects. In addition it also has the Williams Street GSC bond, which is an extension of State Street, which we will get into in subsequent legislation, but in terms of cash flow it is accounted for here with an estimate half-million dollars. He stated that this schedule shows what is committed and what our best estimate is of the excess right now. That is that safety margin that hopefully we would never go below. He stated that we would have to drop below that in order to enact that tax levy. He stated that he wants to point out that when we came to the Council in May for the last official action on this, we said that the Levee/Village—the City's contribution to this—is \$60 million. It is still \$60 million. We have added William Street, and that is going through this area, but the State Street commitment is \$60 million. He stated that we have moved the dollars around a little bit by year, restructured a bit, but the total is still the same. He stated that you have gotten a chance to look at the totals for the project that are on the schedule on the website, you will see that the Purdue TIF area, which is backed by the PRF TIF facility, is now up to \$62.7 million. That was a change which was rightly highlighted this afternoon that we had not thought about for a bit. He stated that you are familiar with the Todd's Creek project, and a portion of that was going to be funded with a conduit bond by PRF. The amount is about \$2.7 million. He stated that he thinks there are mainly engineering reasons, but after a lot of consideration by Purdue and the Joint Board, they felt it would be more effective to wrap that project into the State Street BOT project. It would be more efficient and make a better project. He stated that what we made sure of was that there was an additional commitment by Purdue adding the \$2.7 million to cover that cost, and they will not be issuing conduit debt for that project.

Clerk-Treasurer Rhodes stated that the Williams Street project and North River Road, was, in fact, in Section 4 of the basic project scope in the request for qualifications. It was removed, and the funding now is through a separate tax increment finance debt through the Levee/Village. She stated that Todd's Creek was not originally part of the base project scope. It was enhanced, and it is now in the project. She stated that she hates to use the term "shell game," but when we have a basic project component that is no longer funded by the State Street Project, but we need to fund by another mechanism, she would still consider that cost. She stated that she thinks that a reasonable supposition is that is really part of the Perimeter Parkway/State Street Project that we envisioned from the start. So, when we are asking how much the City is investing in this project, you need to add that \$10 million debt to the \$60 million.

Mr. Treat said okay. He stated that it is all on the sheet. He has called it Williams Street. He stated that it was a part of that, and he thinks that Director Buck could talk more about how that transition occurred. He stated that everything that Clerk-Treasurer Rhodes said is true, and it is all a part of our commitment from Levee/Village. We have added the \$10 million, but it was referred to separately.

Councilor Burch asked, getting back to the Levee/Village TIF, which is now going to pay for the Williams Street roundabout, if the Levee/Village TIF does not continue to grow, then will the RDC implement a 2% property tax on its citizens to pay.

Mr. Treat responded no. He stated that he has shown it both ways on the schedule. He stated that he has only added in growth for projects that have already been built, but not assessed yet. He stated that he has done a minor, because it goes for 25 years, increase of 1% in that Levee/Village area over the years. He stated that he has shown the coverage calculations with and without. So, with no increase beyond \$5.1 million, which is should reach in the next year or two. He stated that with no growth we should be able to sustain it, and when we finish the payment for the garage of \$600,000 in 2021 it will help cushion it.

Councilor Burch stated that if we she understands correctly, we are saying the Levee/Village TIF has approximately \$5 million in it for 2015. She asked if Mr. Treat expects it to have approximately \$5 million in it for 2016, and then once the parking garage is paid off it will have more.

Mr. Treat stated that the revenues for 2016 were more like \$4.7 million, then when we get to 2017 and 2018 it is a \$5.1 million. He stated that the parking garage is about \$590,000, and the last payment is 2021.

Councilor Bunder stated that he would like to go back to Councilor Hunt's comment. He stated that it highlights a political problem for us that is fair to put in the minutes of this meeting. He stated that it is very hard for the Councilors to explain the Joint Board to people. It is hard for us to explain why there are no residents of West Lafayette on the Joint Board. It is hard to explain why there no elected officials on the Joint Board. He stated that he is sure there are very good reasons for all of that, and having City employees on the Joint Board is an excellent requirement. But, for us, we have a hard time finding a way to report the activity of the Joint Board and the several other entities created around the Joint Board to the folks who we represent. He stated that there is no answer here, but he would like to explain that this is, for us, a difficult question to answer.

Mr. Starkey asked if it is not true that there are three residents of West Lafayette.

Mayor Dennis responded no, there are employees.

Mr. Starkey stated that he stands corrected.

Clerk-Treasurer Rhodes stated that she would like to speak with the permission of the Council, with some leave given that this is her last Council meeting. She stated that she would like to express some concerns and some hopes about this project. She asked for the permission of the Council to speak, and Council members responded yes. Clerk-Treasurer Rhodes stated that the goals of the State Street project are to benefit this community—to accomplish some great infrastructure, to build it out in a very compressed time period, to create some really high value from the tax dollars we are committing, and as much as anything, to showcase the new relationship with Purdue. She stated that the project is very important to our future. It is not just about lanes of concrete, but, what is going to be the model for our public governance going forward? She stated that she would appreciate the opportunity to make some remarks given her tenure and service for the City. Clerk-Treasurer Rhodes expressed that she wants to start with how this whole project began. She stated that the Council approved the Interlocal Agreement that created the Joint Board back in 2013. It went on to approve the Memorandum of Understanding, called the MOU, and later the Project Development Agreement for this project. She stated that the BOT procurement method was part of the deal from the very start, and the deal was a 50/50 share. That is, at least, how it was expressed. She stated that when the Council was asked to approve the MOU earlier this year, there were

questions at Pre-Council and Council about overall costs of the project, and in particular, the pre-development costs. This was because the City had what appeared to be an open-ended commitment to cover half of unknown costs. She stated that numbers of hundreds of thousands of dollars or so were thrown about, but the Council was told at that time, and it is in the minutes of this Council's proceedings, that when the City came back with the Project Development Agreement for approval, there would be numbers. She stated that agreement came back, but there were no numbers. She stated that that set a precedent that no budget or estimate on items like pre-development costs or indirect costs were ever released. She stated that based on the documents the Council has, if you burrow through, you will find from the numbers in the credit facility agreement, that the PRF cap on pre-development costs is probably \$10 million. She stated that the RDC has already committed another approximately \$1 million for pre-development costs. So, we are in for half of \$10 million, and another \$1 million. Why should we care about pre-development costs? It is a big project, and big projects have big design, big legal, big financial, and big public relations costs. She stated that the reason why we should care is that the amount of the project that can be constructed is very much impacted in a BOT by the amount of the pre-development costs. That is because we have something called an affordability cap. The pre-development expenses, this \$10 million number that looks likely to be close to the maximum, is going to be reimbursed to Purdue by the successful developer on the financial close of the BOT. She stated that every pre-development dollar is going to be financed by the developer. As heard, the developer is financing at private-market rates. This is not a tax-exempt financing. She stated that every dollar they finance for pre-development cost is actually \$1 less available for them to construct and operate public improvements. That is the way the BOT works. That is also why public accountability of the Joint Board is so important in its approval and reporting of pre-development expenses. Clerk-Treasurer Rhodes stated that she wants to talk about the big picture. Because we hear 50/50, \$60 million/\$60 million. Let's talk about what this total project is. She stated that she has seen a couple of presentations on this project in the last several weeks, and she does not see that this is being done. She stated that number one, the goal of this project is 100% public funding by the end of the debt term. That would be a criteria for success, certainly on Purdue's part. She stated that when we say 50/50, really the success of the project is 100% taxpayer funded. The 50/50 is the split of the risk at the beginning of the project. She stated that by looking at the schedules that are available in the White Paper and a number of documents that are on the public website, and some that were loaded for the Council meeting, she reckons that the total funding that will be needed is approximately \$134 million. Plus, there is a yet undisclosed amount of Purdue indirect costs that are intended to also be paid by the Purdue US 231 TIF, that to pick a number out of the sky, \$12 million. She stated that it is difficult to communicate about indirect costs because the Joint Board has not yet agreed to release the budget estimates and describe the kind of items, although they can be seen embedded in a number of the project documents. She stated that these numbers are a lot larger than what is being requested for the bond today, because at the start our taxpayers are being asked to fund the obligations that are going to be paid out of the Levee/Village TIF, or an additional tax-backup only in the case of emergency. The remainder of the public obligation is to reimburse the PRF for Purdue's share of financing and project costs—direct and indirect—only to the extent that future TIF revenues are available from that Purdue US 231 TIF district. She stated that there is definitely a timing issue here. She stated that Mr. Treat is correct to say that is the risk to Purdue in this financing. Clerk-Treasurer Rhodes stated that it seems to her that the BOT procurement method was made a requirement for Purdue to participate in the State Street project. She stated that it is her belief that the method has consequences that were not fully recognized at the start. She stated that an interesting and important feature of this particular BOT deal is that Purdue is in this together with the PRF, and there is an interest by Purdue in both the project items, and in the financing. She stated that they acting in a sense as a bank and an entity that wants to build infrastructure. Because of this structure, there is kind of an interesting layer-upon-layer of who is paying the financing costs. She stated that the taxpayers pay the developer's costs for financing the construction, which is a normal

BOT transaction. They are also paying the developer's cost of financing the reimbursement of Purdue's pre-development costs at the financial close. They are going to pay the PRF a financing fee for funding the pre-development costs prior to the financial close. And the last, newest, cost, is that they are also going to pay the PRF a financing fee for making the credit line available. She stated that when you start to really understand the deal, there are many layers required in order to make it work. She stated that she is not saying that that level of detail can really be discussed when we are looking at the big picture, but she has been concerned that she does not think it has been presented at all. Clerk-Treasurer Rhodes stated that it seems to her, as personal opinion, that Purdue's roll has been extremely powerful in this, to the point of veto power, on almost every aspect of this project. She stated that Purdue operates with a different culture than City government does. She stated that the executive administration of Purdue operates with a very corporate boardroom culture. That has its positives, but it is not the public process. She stated that this has led, in her opinion, to a situation where public accountability has become quite subordinate to the control of information. She stated that even while the measure of this project is that it is going to be 100% taxpayer funded, it is her opinion that the link between public accountability and taxpayer funding got broken. She stated that it has been difficult to even get documents to the Council for this meeting. Documents that are on a public website were not necessarily made available to the Council in an easy format. One body gets one document, and one body gets another. Clerk-Treasurer Rhodes stated that she thinks we deserve to give our elected and appointed officials a lot more to work with. She stated that she hoped that at the beginning of the public approval process for the debt, that this would change. She stated that today at the Joint Board meeting she thought perhaps the beginning of the change, and we can thank Director Buck who chairs that Board for making some provision for public review, and for public accountability of the Board. She stated that her concern is that it has been such a struggle to get to this point, at the point where the Council's approval of this debt is absolutely critical. She asked what the likelihood is that the Council will be able to have any effective oversight of this project going forward, without access to information. She stated that the taxpayers have relied on City officials to deliver needed infrastructure improvements with the best idea winning, in terms of claim on public resources. She stated that this is a knowledge-based community that believes in the competition of ideas. She stated that during this process, the RDC funded a study to examine alternative means of funding State Street infrastructure that could potentially deliver more project for the dollar. She stated that it is her opinion that the study is a public document. She stated that she sincerely hopes that when the RFPs are open on December 21, and the extent to which basic and enhanced project elements can be funded is then known, that there will be intestinal fortitude to lay all of the options on the table. She stated that she was concerned at the Joint Board meeting today to hear a team member describe the process going forward, and the only option seems to be to select one of the two final offerors. Not, accept one or reject all. She stated that she is concerned whether, at this stage, that the project has reached the "too big to fail" category, or the too big to reassess category. She stated that in the end, as she is leaving office, her greatest concern is not in the end whether the BOT is the best vehicle for the taxpayer's investment, although she thinks it should be given a strong review. It is about the future of governance of this community. It is not really about lanes of concrete. She stated that when she experienced this corporate boardroom, with the minimum legal disclosure approach, it is her opinion that it is not the model for how West Lafayette is best governed. She stated that she thinks that the obligation here is to ensure that the Commission and Council representatives can perform their oversight roll. That is absolutely necessary to this community. How can that occur if the presumption is that the public interest needs to take a backseat and follow the model of how decisions are made in the corporate world? She stated that she thinks we are better for tough questions; we are better for hearing diverse points of view. She stated that she does not think we are better for converting the public process into "Are you on the team or not?" mentality. She thanked the Council for allowing her to make these comments.

Councilor Hunt stated that she is not sure we are ready. She stated that we have heard over and over about lack of transparency with this group. She stated that she has great faith in our City officials, but she has always been concerned that there is nobody that lives in the City, certainly no elected official, on this Board. She stated that she has also used the term “big dog, little dog” and she does not like that term, but the corporate model is something that is very different from elected officials who have to answer to people. She stated that especially because this is a knowledgeable community, we hear this. She stated that she would like to know what the other Councilors think before voting. She asked if we can get assurances that we have some input and control. She asked if anyone else is concerned about that.

Councilor Dietrich stated that several of the things we heard from Clerk-Treasurer Rhodes, we knew going in. We knew going in that we were going to set this committee up—this oversight group—and that we would not have right of refusal of the project itself, any more than we had in the old days when the project is bid out. He stated that it does not concern him; we went in with eyes wide open on that topic. He stated that clearly this is a large leap of faith for all of us monetarily, and the dollars are huge for us for a city of our size. He stated that he thinks we went into this at the beginning, from some of the conversations he was privy to, by having to prove ourselves to Purdue. He stated that he thinks that Purdue certainly does see themselves as the “big dog” in this. He stated that we have also sat in some meetings and saw what Director Buck has done for the City and put this program back on focus, primarily with the Perimeter Parkway. He stated that he realized that Williams Street got pushed into it, but he thinks we have been well-represented there, City residents or not. He stated that he thinks that we put our expertise of the City on the committee; the right people with the right knowledge were there representing us.

Councilor Hunt stated that she agrees that Director Buck is a big leader. She stated that she has been concerned that there are not citizens of West Lafayette on the group, at least representing the City. She stated that we were assured that we would be informed. The word “oversight” is strong, but she feels that we are not getting that.

Councilor Keen stated that he agrees with Councilor Dietrich. He stated that at the beginning we were made aware of these. The reality of life is that with any major project, there is going to be inherent risk in that, and we know that. The reality of life on that is that the larger the project, the larger the risk. He stated that everyone who has been involved in this, at least from what he has seen, has at least attempted to be up-front with information and give as clear of an understanding of the project and the way it is going to work as they can. He knows that there are still a lot of little things that need to be done, and some bigger things. He stated that a lot of the things that Clerk-Treasurer Rhodes just talked about are concerning, but at the same time when looking at a project of this size, which is clearly the largest project this City has endeavored upon recently, the risk goes up with that. But then again, what does it look like if we do nothing? He stated that those are things we have to ask ourselves as well.

Mayor Dennis stated that it never ceases to amaze him how at the bottom of the ninth with two outs, how all of the sudden we all of the sudden not only change pitching, but we almost change sports. He stated that we realized when we first started having conversations about this project, around three years ago, and this was complicated, and it was big, and it was transformative. It was going to require a lot of guidance, input, and understanding on the part of all of our boards and commissions. We also realized that these are not issues that can be handled as an agenda item at a Council meeting, or Board of Works meeting, or RDC meeting, or a Joint Board meeting. So, at that time, we started having sessions with the Council. He stated that we did it in such a way that it was not going to be considered a public meeting. Our intent then was to try to be as informative and transparent as we could be. He stated that the forum was open for complete interactivity with what we knew at the time. He stated that these projects, such as the western interceptor, the future

eastern interceptor, the State Street project, are massive. The more players that are involved in this, the more complicated that it gets. He stated that we are at this point now, to where the decisions that we as a collective legislative body have approved up to this point are going to get fewer and fewer, because we are almost done. We will either move forward or we won't. He stated that as Councilors Dietrich and Keen said, these projects have some inherent risk, as they always do. He stated that he is the guy that assigns people to the Joint Board, and he has not received any focused input about who we should put on it. He stated that he, Councilor Bunder, Clerk-Elect Booker, and City Attorney Burns sat down and looked at the appointments, and we have close to 100 people that we appoint. He stated that you do sometimes get to the point where you run out of folks who have the time and availability to serve, but we can easily change the makeup of the Joint Board.

Councilor Hunt stated that we did have these hearings, and we were assured that when the BOT was used for the Ohio River Bridge it saved \$20 million. She stated that she is aware of those intense meetings, and the people in those meetings provided good information. She stated that she thinks it has gotten a little more complicated as all of the details of all of the corporations one has to deal with. She stated that there has been a trend where the transparency is not there, and she needs some assurance that that will happen.

Mayor Dennis asked Director Buck to go through the makeup of the Joint Board and what the operational responsibility as when it was conceived.

Director Buck stated that it was part of the discussion that happened with annexation to ensure communication between the City and the University. He stated that one of the initial items was to make sure we collaborate on future development. This was at a time when State Street was being studied for the Master Plan by MKSK. It was brought on by the need to have better coordinated vision and plan of attack for what we want to see happen with redevelopment sights and undeveloped sights, primarily along State Street, but also in the core part of the City. We have had a number of planned developments over the years, and they have been somewhat happenstance about what they need to look like and direction they need to go. He stated that some of the plan of State Street as well as Perimeter Parkway helped set the stage for at least traffic, and where things like driveways, sidewalks, and trails can plug into this. So, this sets the stage so that development can plug into that rather than the other way around. It is a chicken and the egg thing. He stated that the Joint Board is comprised of three appointed members from Purdue and three appointed members from the City. He stated that this is brand new, as he does not think it has ever been done anywhere before between a city and university like this. We are very new at it. We do not have a staff to the Joint Board; maybe as it evolves it will be its own pseudo-department here at the City that has a budget that the Council one day appropriates money towards for a staff to man that. Who knows how it will grow? He stated that we are in its infancy still, even though it is the second or third year since annexation. He stated that State Street and the public-private partnership procurement (P3) has come along, and been a heck of a first task for the Joint Board to try to manage in its newness. He stated that he admits that it has been tough to be able to keep up with the P3, let alone the transparency element. He stated that it is definitely something that we are hearing and are working on. It is not anyone's intent to not be transparent, but it does take work.

Councilor Burch stated that she agrees with Councilor Hunt about the perceived lack of transparency. He stated that when Mayor Dennis first became Mayor, one of the wonderful things he did was to make the City and how it operated and what went on very transparent to the public. She stated that yes, we had meetings, and we had questions. But, then we get the ordinances a few days before the Council meeting, and questions come up. She stated that we are told that the members will be appointed shortly. That is not good enough. She stated that if we are going to be transparent, let us bring it all in; let us say now. She stated that she remembers it felt like pulling teeth to find out who is on the Joint Board. There was a reluctance to give that information to her.

City Attorney Burns asked Director Buck to talk about the procedures that have been sent around in draft form that will be up for approval at the Joint Board on Thursday.

Director Buck stated that we are working feverishly, and one the things discussed today at Joint Board was adopting formal procedures for reviewing and approving obligations, or invoices, for eventual payment through the P3 or through the partnership that Purdue and the City are working on for brining State Street to fruition. He stated that two procedures have been drafted and submitted to the members of the Board. Because of the short notice another meeting was scheduled for this Thursday so that those documents can be posted to the City's website. He noted that the Joint Board does have a website on the City's website underneath Engineering. That is new since the October meeting. The members are listed and the minutes and agendas are posted there. That will continue to evolve as we get more organized and more items can be added. It is also linked, as of this afternoon, from the Re-State website so that the two sites tie together. He stated that those will help inform the public and make sure that we are being more transparent with those events and obligations going forward. The ratification of those up until Thursday will also be posted on the website.

Councilor Bunder stated that he wants to praise Director Buck again. He stated that he went to the Joint Board meeting today. He stated that what would have happened if Director Buck had not pushed to table three items is that all of these would have been done before this meeting, and that just feels odd. It is not illegal. It is not mean. No one is stupid. But, it is different from the way in which we generally operate. He stated that if Director Buck were not the Chair of this group, and had not pushed items to Thursday, we would have even less to talk about tonight than we do. He stated that he does not know what the operational change is that will make things more transparent, but it is a far different feel from the way we usually run our business. He stated that he mostly wants to praise Director Buck.

Councilor Hunt stated that she agrees with Councilor Bunder.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 47-15 (Second Amended) passed on first reading.

Ordinance No. 48-15 An Ordinance Of The City Of West Lafayette, Indiana, Approving A Note Of The West Lafayette Redevelopment Commission And A Sublease Between The West Lafayette Community Development Corporation And The City Of West Lafayette Redevelopment Commission, And Addressing Matters Related Thereto (Sponsored by Mayor Dennis)

Mayor Dennis read Ordinance No. 48-15 by title only.

Councilor Keen moved for passage of Ordinance No. 48-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Starkey stated that this ordinance is to approve the least that the RDC will enter into with the West Lafayette CDC. He stated that under the statute, the Council has to approve any kind of lease obligations that the RDC enters. The note that is references is the note that if they borrow money from the PRF under the TIF 2 scenario, If there is not enough in TIF 2, the line of credit comes down to the RDC. There is a note that is attached to that, borrowing back to them, that is payable only from TIF 2 revenues. Again, if they borrow, say, \$30 million over time from the PRF, and if for some reason the TIF 2 does not generate that \$30 million, then the note is only payable to the extent that TIF 2 is available. If they do not get enough TIF 2 revenue in from Purdue, that note would be forgiven.

Councilor Burch asked if this is over the 24 years, and Mr. Starkey responded yes, it is. Councilor Burch stated that there is something in this ordinance about the RDC initiating a special benefits tax. She asked if that is the additional property tax if the TIF does not—

Mr. Starkey stated yes, if TIF 1 does not generate enough revenue.

Councilor Burch asked if this is for both TIF 1 and TIF 2, and Mr. Starkey responded that it is.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Ordinance No. 48-15 passed on first reading.

Resolution No. 24-15 Resolution Approving Amendment To State Street Project Development Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 24-15 by title only.

Councilor Keen moved for passage of Resolution No. 24-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

City Attorney Burns stated that this Project Development Agreement (PDA) is a document that sets up the relationship between the parties—Purdue, PRF, and West Lafayette. It outlines much of what will happen, and how it happens. He stated that it is a fairly complicated transaction, so what is before the Council are some amendments to the PDA that was already passed. He stated that the amendments are basically definitional. The reason that it is important is that we are trying pull all of the various documents that comprise this project—the legal backbone of the project—together. It is

all pulled together into the PDA. He noted that there are a lot of redlines throughout the documents. Most are definitional, and they are outlining, with more specificity, the relationship. He stated that nothing in this is different than the Council has heard. It just puts it into a suitable legal framework. It further defines the relationship, but it does not change the business points. It does not change what the relationship is; it just further defines it from a legal standpoint.

Councilor Burch asked if this is where Todd's Creek project comes into the picture.

City Attorney Burns responded that it has always been in the picture, but it does further define it and make it clear what is going to happen. He confirmed for Councilor Burch that it is because it is part of the State Street project.

Adrian Allen, Associate Counsel for Purdue University and resident of Maple Street, stated that he would like to reiterate that the University hears loud and clear what is being said in terms of obligations to the constituents here. At today's Joint Board meeting they agreed with Director Buck that it made sense to wait a number of days to allow people to have a chance to review those documents. He stated that we are committed to that process, and we do believe the BOT process gives us the best chance of success on this project. He stated that we look forward to receiving the bids on the 21st of this month and bringing to a successful resolution for the benefit of the University and all of the citizens of our City.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 24-15 passed on first and only reading.

Resolution No. 26-15 Resolution Of The Common Council Of The City Of West Lafayette, Indiana Authorizing The City Attorney To Exercise The City's Power Of Eminent Domain Agreement (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 26-15 by title only.

Councilor Keen moved for passage of Resolution No. 26-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

City Attorney Burns stated that, as discussed at Pre-Council, this is another step in the process of making sure that we have the appropriate size for State Street. There are a list of property owners on this resolution. What this does is authorizes him to proceed with a taking, a condemnation action, if necessary. He stated that procedurally a couple of years ago this was not necessary. The law changed, and he favors the change. If the RDC wants to make eminent domain then they have to

come to the Council. He stated that he thinks it is a good step. He stated that we found out that the last time we did this, when we had one property owner, that the property owner did not take it seriously until we did come to the Council. He stated that we learned a lesson there, and that sometimes people want to make sure that this is a real deal, and until it has been authorized it may not be. He stated that the eminent domain process itself starts with a letter. It is required by law. This will allow that first letter to go out. He stated that there is time built into these, with a bare minimum of 90 days from start to finish. This resolution will prepare us to be able to get out a 30-day letter, to let the property owners know that they have an offer and that they need to either accept it or meet with us to discuss it. He stated that the letter is very specific statutorily on what the owner's rights are, and it provides that a lawsuit could be filed. He stated that this is a good way to make sure that everyone along the corridor understands that this project is a go. He asked for the Council's support of it.

Councilor Dietrich asked if the City is the only one that gets to be the bad guy, or if Purdue is also involved.

City Attorney Burns responded that Purdue cannot because from a legal standpoint it is our road. They do not have the public necessity to do it because they do not have the ownership.

Councilor Burch asked how much this will cost the City, and where will the money come from.

City Attorney Burns responded that he does not know if we have an exact estimate, but we have set aside approximately \$3 million for the total of all takes, and we think that is ample. He stated that until we get into it with final appraisals, then we do not have a great idea. We have some good estimates but not a particular number. He stated that this is part of the funds that would be detailed in the PDA. It talks about indirect costs, and it talks about some other costs that would be supported through the short-term credit facility through Purdue and PRF if necessary.

Councilor DeBoer stated that a lot of this is through his district, and he clearly supports this project. He asked if there is any way to keep the Council informed about this ongoing land-acquisition process. He knows that some of it cannot be publically disclosed, but he would be interested in keeping an ear.

City Attorney Burns stated that he will make it a part of his monthly report, to the extent that he has sent any letters out. That would be a public document because it is going to the property owners.

Councilor Hunt stated that the previous time that we did this, City Attorney Burns brought forward a particular plan. She asked if it is correct that this is giving blanket coverage.

City Attorney Burns stated that it is really the same, but there are more property owners. He stated that in the particular case it got settled within the week. As soon as the Council gave authority it settled. He stated that he will go out on a limb and say that 80-80% of all of these takes will likely settle with an agreement between the property owners. He stated that most of them get settled, and this just helps them to understand that we are really interested in getting it done.

Councilor Hunt stated that it was her understanding that at that time we gave them a very reasonable offer.

City Attorney Burns stated that he thinks it was, and they accepted it, which indicates that it was.

Thomas Brooks (Mayfield and Brooks, LLC), attorney for the RDC, stated that in answer to Councilor DeBoer's question, all of those properties that we take will go to the RDC. They will be on claims.

He stated that he will prepare all of the deeds and any of the monies that go to the landowners. They have to be voted on at the RDC through the claims process. He confirmed for Councilor DeBoer that it will all be public through that process.

Councilor Thomas stated that we talked at Pre-Council about how these are not large swaths of land we are taking about.

City Attorney Burns stated that in general they are relatively small. There are some larger ones, but most are numerically very small pieces.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAY.

Mayor Dennis announced that Resolution No. 26-15 passed on first and only reading.

Resolution No. 27-15 A Resolution Of The City Of West Lafayette, Indiana Approving And Authorizing The Execution Of Lease Agreements Relating To The Levee/Village Redevelopment Area (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 27-15 by title only.

Councilor Keen moved for passage of Resolution No. 27-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mr. Otten stated that this is a companion to the sewer project that was previously authorized. It is for road improvements that will be done the roads that will be torn up to put in the CSO project. It is done as a lease financing table from Levee/Village TIF revenues with a property tax backup. Because of the property tax backup, it is necessary to do a lease-financing structure. He stated that the City has done a parking garage facility similar to this through the Redevelopment Authority. He stated that it is done with the tax backup, but it is expected that the TIF revenues will cover all of the debt service on the obligations. He stated that there are forms of financing agreements that are approved by this resolution. The next step is that it will go to the RDC for public hearing, and it will also go to the Redevelopment Authority and there will be some notices to publish. He stated that he thinks the current timeframe is to issue the bonds for this project mid-March or early-April.

Councilor Burch asked if this will not go to the CDC, and then states that she sees RDC Attorney Brooks shaking his head no.

Mr. Otten stated that this is a bit different structured financing. He stated that he would call it a more traditional redevelopment financing utilizing your Redevelopment Authority.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 1 NAYS.

Mayor Dennis announced that Resolution No. 27-15 passed on first and only reading.

Resolution No. 28-15 A Resolution Approving An Agreement Between The City Of West Lafayette Redevelopment Commission And The Indiana Economic Development Commission To Establish A Certified Technology Park (Prepared by the Department of Development)

Mayor Dennis read Resolution No. 28-15 by title only.

Councilor Keen moved for passage of Resolution No. 28-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Director of Development Poole stated that this is to seek Council's approval for an agreement with the Indiana Economic Development Commission (IEDC) in regards to a certified technology park. He noted that in June the Council approved the application that was submitted to the IEDC. He stated that the technology park is basically the US 231 Purdue TIF area, the western lands, or the western gateway into the University and to the City. He stated that we have been very fortunate to land our first company, with the Rolls Royce building. He stated that the building is around 50,000 square feet, and Rolls Royce is taking around 12,000 square feet. The rest of the building will be comprised of other tenants doing various forms of research. He stated that this is a way for us to continue to grow and spur growth, especially since the US 231 Purdue TIF has been pretty much been allocated toward the State Street plan. He stated that this derives its funds through employee sales tax and employee taxes. There is a maximum value of \$5 million over time that we are able to grab from that and put back into economic development projects in this area. He stated that West Lafayette had the very first certified technology park in Indiana with the Purdue Research Park, and that one has been exceptionally profitable and successful. We envision this one to be the same.

Councilor Thomas asked if this would be one of the developments that Purdue be paying—

Director Poole stated that it is a way for us to generate funds to use that are not going towards State Street. Taxes that are generated in the TIF will pay for State Street. This is other taxes, sales tax on goods and services that they are selling out of this area for the companies, and employee taxes. So, two buckets of money.

Councilor Dietrich asked if the whole pot of money goes to the City or if we are splitting that with the University.

Director Poole responded that it goes to the RDC as fiduciary agent for the \$5 million. We put that towards projects for roads, water, sewer, and whatever else. He confirmed for Councilor Dietrich that it is within the TIF 2 area.

Councilor Burch asked if any tax abatements will be allowed.

Director Poole responded that for the certified tech park, a tax abatement does not really effect it, because it is different pockets of money. Tax abatements within that TIF area would not be a very wise thing as that is designed for paying back the State Street, so everything out there should be taxable.

Councilor Dietrich asked if this has any impact on the value or the revenue that the City may reap in 25 years since we are being told that after 25 years we will have this corridor for business for taxable income after the TIF pays back and TIF 2 is fully developed. He clarified that we are being told that all of the development out there in TIF 2 will help pay for Purdue University's part of the BOT. He stated that his question is that by approving this and anointing it as a technology park, then 25 years from now when the City takes over that area, will it have any negative impact on that turf to the City—the taxable income to the City.

RDC Attorney Brooks responded that it will have positive impact.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 28-15 passed on first and only reading.

Resolution No. 29-15 A Resolution Providing Clarification To Ordinance No. 34-15, the Fire Protection Ordinance (Sponsored by Mayor Dennis)

Mayor Dennis read Resolution No. 29-15 by title only.

Councilor Keen moved for passage of Resolution No. 29-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor DeBoer asked what happened here.

City Attorney Burns responded that we have a utility that we do not own, known as Indiana American Water Company (IAWC). He stated that they are regulated by the Indiana Utility Regulatory Commission (IURC). There is a discrepancy between the State law, which uses the word "meter," and the regulations that are imposed upon the IURC that uses the word "residence." So, this directly

impinges upon our issue when there is one resident that has two meters. He stated that they are not willing to deal with it until there is a fix. He stated that when he had talked to them, they said that everything is fine and they are motivated to get the law changed and will get their lobbyist on it. He stated that he heard later that they cannot move forward with this transfer to the ratepayers if the City is taking the position that we are somehow not happy with them. He stated that they do not want the City Council to be taking a position contrary to them. City Attorney Burns stated that we are not doing that, and are not trying to control them at all. This is the result. He stated that he is placating two lawyers. One at IURC and one at IAWC. He stated that the purpose of this is just to give them the thumbs up that says, "We are not trying to control you. We don't even disagree with you. Please go change the law and we want you to move forward to get this transferred January 1." He stated that it is in the letter, but they wanted a resolution also, and he is asking the Council to approve that.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 29-15 passed on first and only reading.

Resolution No. 30-15 A Resolution Requesting The Transfer Of Funds (Police) (Prepared by the Clerk-Treasurer)

Mayor Dennis read Resolution No. 30-15 by title only.

Councilor Keen moved for passage of Resolution No. 29-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Police Captain Sparger stated that a few weeks ago the Police Department bought a Jeep Renegade, which is a small 4-cylinder fuel-efficient parking enforcement vehicle. It was purchased with the trade of a bunch of old squad cars. He stated that we now operate a grounds vehicle that is essentially used as a parking vehicle. He would like to, with the approval of the Police Chief, give that to the Parks Department and get another actual motor vehicle to drive on the street. He stated that the Clerk-Treasurer helped him to that with this resolution.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			

COMMON COUNCIL MEETING MINUTES, December 7, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 7 AYES and 0 NAYS.

Mayor Dennis announced that Resolution No. 30-15 passed on first and only reading.

COMMUNICATIONS

► Mayor Dennis stated that as we indicated at Pre-Council, there will be some new rules for our Council meetings starting in January. They are specifically that we will work through a consent agenda. We will have a sign-up sheet at the back for speaking, and we will try to hold it to around two minutes. He reminded that as we go through the legislative process, it is not a public hearing unless it is so indicated. He stated that it will be weird to not be sitting here anymore. He stated that when he first started he was so nervous that he could not read the agenda, but now he enjoys this and will miss this. He stated that there will be a Mayor's Report on the agenda.

► Councilor Burch stated that it has been an honor and privilege to serve the citizens of West Lafayette. The City employees and staff are wonderful to work with; they do a great job. She stated that it has been an educational experience for her, and sometimes and entertaining one as well. She expressed her thanks for the opportunity.

Mayor Dennis stated that he and Councilor Burch started this process together by going door-to-door together. It was an experience in of itself. He stated that even though Councilor Burch will not be sitting on the Council she is not done yet. He said it is the same for Councilor Hunt, who has been involved for 12 years. He stated that when looking to make sure our boards and commissions are properly filled, we are thankful in West Lafayette to have a bunch of good, engaged, and involved citizens. But when we look at somebody who is actually the heart and soul of what we do, it is Councilor Hunt. He stated that he has known Councilor Hunt for about 50 years because her husband was one of his Little League baseball coaches. He stated that when he first got here, Councilor Hunt was one of those who came up and put her arm around him, because he was nervous, and she really helped him out.

Councilor Hunt stated that she would like to make similar comments. She stated that this has been a great pleasure, and a great joy. It has helped her through the last several years. She stated that she has worked really hard and she will really miss many people in this room and in her constituency. She expressed her thanks for being given the privilege.

CITIZEN COMMENTS

► Ms. Myers thanked Councilors Burch and Hunt, and told them to enjoy their retirement. She stated that she knows that retirement means busier than ever before. She expressed thanks to Dr. Rhodes, saying that she had no idea what statement Clerk-Treasurer Rhodes was going to make. Ms. Myers spoke about her background as a former commercial lender in one of the top ten banks in the U.S. She stated that Clerk-Treasurer Rhodes' comments were very much on the point. She stated that when we are talking about transparency, none of the Indiana websites she has been to meet ADA compliance. Thus, we are not transparent, whether we are corporate or government. She asks that we be aware of that.

► Mr. Arthur stated that though he lives in the County, he considers himself a concerned local resident. He stated that he found the discussion about the lack of transparency very interesting. He has been trying to find out more about the projects going on. He stated that the public deserves to know that is happening there, and ask that it be kept in mind.

► Michael Hinkle stated that he does not live in Tippecanoe County, but he owns 240 State Street. He stated that his neighbor called him today to find out if he knew what the plans are in Levee Plaza. He stated that he sees his address and phone number in this proposal to use eminent domain, and yet he has not heard a word from the Council. He stated that he is surprised there has been no communication. He stated that it seems very unfriendly. He asked who he needs to talk to in order to learn more.

Mayor Dennis responded City Attorney Burns.

City Attorney Burns asked Mr. Hinkle if he did not go to the property owner's meeting.

Mr. Hinkle responded that he never heard a thing about it.

► Mr. Baiel stated that as a frequent member of the community who addresses this Council, it will be interesting to see some of those changes that were mentioned. He stated that he will encourage the Council to uphold what the Council on the other side of the river does, where they ask for citizen input on each and every item that they vote on. He stated that he looks forward to the new Council and the updated Class 2 structure in the year ahead. He state that proactive transparency will continue to be a major focus of his. Mr. Baiel stated that ever since the arrival of his son, he is now looking forward beyond the immediate future and considering how our decisions today impact his son years from now. He stated that he hopes that the three people retiring tonight will join the ranks in the audience, and he thanked Clerk-Treasurer Rhodes and Councilors Hunt and Burch for their years of service. He encouraged them to stay active and engaged in the community. He stated that regarding the Joint Board, he appreciates the small progress made today in making it more proactive, but there is a lot of work ahead. He stated that as a resident of New Chauncey he is saddened that the funding was tabled for the Meridian Street traffic safety.

ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 9:08 p.m.